

# IOGLB BEAR/COUGAR OVERLAP POLICY

Approved by the Board 4-30-2003

## A. PURPOSE

The purpose of this document is to clarify policies allowing outfitter overlap agreements necessary to increase predator harvest in those areas in and adjoining the Clearwater and Nez Perce National Forests and as identified by the Idaho Department of Fish and Game as areas of special concern. The primary concern is an imbalance of predator/prey populations causing excessive suppression of the prey species. A secondary concern is the effect this biological situation has on the short and long term viability and sustainability of outfitter operations dependent on balanced predator/prey populations. Outfitters in the area have been encouraged by the IDFG to assist in reducing bear and cougar populations.

It is the intent of this policy to clarify the procedures and make it as easy as possible for outfitters to voluntarily overlap all or part of their bear and cougar areas to increase overall harvest. Voluntary overlaps will be temporary in nature and renewed annually following agency reviews and consent from affected outfitters. After a one-year grace period the Board will consider Board initiated overlaps where level of use and attempts to increase harvest are deemed unacceptable.

## B. GENERAL AREA OF CONCERN

Those areas within the Clearwater Region identified by the Idaho Department of Fish and Game as units 10, 12, 16A, 17, 19, 20 and the northern part of 16.

## C. OVERSIGHT

The Idaho Outfitter and Guides Licensing Board (IOGLB) recognizes a cooperative tri-agency effort to support the Idaho Department of Fish and Game (IDFG) Predator Management Plan in the Lolo and Selway Zones of the Clearwater Region.

Idaho Outfitters and Guides Licensing Board issues overlap agreements in accordance with Section 36-2110, 2(b), Idaho Code and Board Rule 26.

In summary 36-2110 states:

*(a) Possession of a valid license issued by the board shall be a prerequisite to acting as an outfitter or guide.*

*1. No more than one (1) person may operate as an outfitter or guide under one (1) license.*

*2. The operating area as set forth on the outfitter's license including any attachment thereto shall be the limit of such operations for each licensee, subject to subsection (b) below.*

*(b) The board may adjust the territorial scope of operations of any licensed outfitter, for reasons of game harvest, where territorial conflict exists between the big game operations of outfitters, or for the safety of persons utilizing the services of outfitters.*

*(c) The board shall adopt rules to carry out the provisions of this section.*

#### D. TYPE OF AGREEMENTS:

Temporary Overlapping Agreements (TOA) may be approved by the Board when developed between consenting licensed outfitters in the following ways:

1. Outfitters may enter into an agreement to allow another outfitter to hunt bear and cougar in all or part of their licensed operating area in order to assist in increasing bear and cougar harvest within that area. They may not charge the overlapping outfitter for the use of the area. In this instance, all responsibilities outlined by the Outfitters and Guides Act and Rules normally pertaining to an outfitter will be borne by the "overlapping" outfitter. These include but are not limited to licensing, client reservations, client safety and liabilities, adhering to all State and Federal Rules and Regulations, bonding and insurance, and reporting use requirements and fees, taxes, etc. Use will be credited to the original outfitter licensed area.
2. Existing Outfitters may license an individual outfitter as a Designated Agent (DA) and negotiate compensation and cost agreement in order to assist their operation in increasing bear and cougar harvest. No charge may be imposed on the Designated Agent for the use of the area. In this instance, all responsibilities outlined by the Outfitters and Guides Act and Rules normally pertaining to an Outfitter will be borne by the original outfitter. These include but are not limited to client reservations, client safety and liabilities, adhering to all State and Federal Rules and Regulations, bonding and insurance, and reporting use requirements and fees, taxes, etc.

The normal DA application form and the processing fees of \$120 will be required when the cooperative agreement is submitted to IOGLB. The \$50 new application fee will be waived. The DA license will be limited to the term of the overlap, subject to discretion of the employing outfitter and will give no authority to the DA, to conduct activities, other than for Bear and Cougar operations unless specifically requested by the outfitter licensed for the area.

#### E. LICENSING PROCEDURES

1. Proposals will be submitted to the Board in the form of an amendment from the overlapping outfitter. The amendment must be legible and complete, including:
  - A. An "Agreement" dated and signed by the cooperating outfitters.
  - B. The names, addresses, phone numbers and outfitter license numbers of both outfitters involved. It must be clearly identified which outfitter is the Overlapping Outfitter.
  - C. An adequate written description of the operating area proposed for the overlap. This may be an entire licensed area or a portion of a licensed area.

- D. A map delineating the area being requested.
- E. The activity being requested and the time frame, i.e. spring bear, fall bear and/or cougar.
- F. The level of activity, i.e. estimated number of clients.
- G. An Operating Plan including base of operation for the proposed overlap or the location of camps being proposed indicating if they are existing camps or new camps.
- H. A completed IOGLB Land Manager "Sign Off" form and a letter of support from the IDF&G Regional Office.
- I. A \$10.00 amendment fee.
- J. The amendment request must be submitted to IOGLB in one complete amendment package. Proposals not submitted as described above will be returned. It will be the responsibility of the applicant to correct the proposal and return it. In this case, a second amendment fee will be required.

#### F. RENEWAL PROCEDURES

Approved overlap amendments will be renewed annually. Renewal requests must be received by IOGLB no later than Jan. 31.

- 1. Renewal requests will be in letter format signed by both outfitters and will be submitted to IOGLB.
- 2. Actual use reports relative to the overlapped area must be submitted to IOGLB by appropriate outfitter identified in section "D" with the renewal request or the normal reporting period to coincide with IOGLB licensing.
- 3. Issues reviewed at this time will be performance, including harvest efforts; need for continuing overlaps; changes in Department of Fish & Game management direction; and other factors deemed relevant by the Board.

#### G. NON USE OF BEAR AND LION ACTIVITIES – BOARD INITIATED OVERLAPS

- 1. By Jan. 31, 2004 the Board will monitor progress of the use of Voluntary Overlaps. Those outfitters found to be in Unapproved Non Use status as identified in Board Rule 24 will be subject to a show cause hearing for a Board Initiated Overlap or possible revocation of these activities.
  - a. If an Overlap Agreement has been approved by the Board prior to Jan. 31, 2004 no nonuse shall be determined.
  - b. Use through the agreement must occur during the subsequent year.
  - c. On a case-by-case basis, the Board may grant Approved Nonuse for the original outfitter, in lieu of revocation, when a Board Initiated Overlap is applied in cases of identified nonuse.

H. TEMPORARY BOARD INITIATED OVERLAPS IN CASES OF IDENTIFIED UNACCEPTABLE LOW USE

1. At the discretion of the Board, it may be necessary in the future, to examine Unacceptable Low Use in areas identified by joint efforts of IOGLB and IDFG to be jeopardizing the well being and sustainability of the ungulate resource and the corresponding outfitting industry. The affected outfitter will be given the opportunity to discuss with the Board the validity of the harvest goals within their area and their extent of good faith effort relative to increasing their predator harvests.
  - a. Where an insufficient good faith effort to reach reasonable IDFG harvest goals is determined, the IOGLB may implement Temporary Board Initiated Overlaps in an attempt to reach these goals.
  - b. In determining Unacceptable Low Use the Board will review the Target Harvest Number provided by the Department and Annual Use Reports provided by the outfitter, as well as any other relevant information that the Board deems necessary to consider the specific circumstances involved regarding each outfitting area.
  - c. A Show Cause Hearing will be held for the Existing Outfitter prior to a determination of implementing a Board Initiated Overlap.
    - i. Options considered by the Board at the Show Cause Hearing will be:
      1. A one-year grace period for the Outfitter to increase predator harvest.
      2. Implement a Board Initiated Overlap on a temporary basis in a portion or all of the operating area with all use credited to the Existing Outfitter.
2. The conditions of a Board Initiated Overlap are:
  - a. The Board will solicit applications and temporarily license a qualified outfitter for bear and/or cougar in a licensed outfitters operating area. In this instance, all responsibilities outlined by the Outfitters and Guides Act and Rules normally pertaining to an Outfitter will be borne by the "overlapping" outfitter. These include but are not limited to licensing, client reservations, client safety and liabilities, adhering to all State/Federal Rules and Regulations, bonding and insurance, and reporting use requirements and fees, taxes, etc.
  - b. Use accrued due to mandatory overlaps will be credited to the Existing Outfitter.

I. AT THE TERMINATION OF THE TEMPORARY OVERLAPS, ALL ACTIVITIES WILL BE RESTORED TO THE ORIGINAL OUTFITTING BUSINESS OPERATING AREA.

1. In the event of the sale of a business, any existing overlap will be examined to determine if it will remain in effect. Some overlaps may need to remain in effect until previously booked clients are accommodated.

NOTE: The IOGLB does not take implementation of Board Initiated Overlaps lightly. However, due to the serious biological imbalance of the predator/prey populations in this region and the efforts of the IDFG to utilize outfitters as one of the tools to reduce predator populations in order to restore a balance that will allow the prey species to recover to an acceptable level; it is imperative that the Board consider Initiating Overlaps for the benefit of the resource and overall protection of the outfitting industry.